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already been granted a permit to convert to coal.

(c) The U.S. Gypsum Co. in Clark, New Jersey is permitted to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2 or #3 until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Such oil burning must conform with New Jersey requirements and conditions as set forth in applicable regulations and administrative orders.

[39 FR 1439, Jan. 9, 1974, as amended at 44 FR 31979, June 4, 1979; 44 FR 38471, July 2, 1979; 49 FR 30179, July 27, 1984]

§ 52.1602 [Reserved]

§ 52.1603 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of New Jersey.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

40 CFR Ch. I (7–1–07 Edition)

§ 52.1604 Control strategy and regulations: Total suspended particulates.

(a) Any variance issued by the Department under N.J.A.C. Title 7, Chapter 27, section 6.5, subsections (a), (b), or (c) shall not exempt any person from the requirements otherwise imposed by N.J.A.C. 7:27–6.1 *et seq.*; *Provided* that the Administrator may approve such variance as a plan revision when the provisions of this part, section 110(a)(3)(A) of the Act, and 40 CFR, part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such variance.

(b) Particulates emissions from units 1 and 2 of the Atlantic City Electric Company's B.L. England Generating Station are limited to an emission rate of 0.5 lbs/million BTU until March 31, 1982 and June 1, 1982, respectively. The opacity associated with such emissions from these units during this period shall not exceed 40 percent. On and after March 31, 1982 for unit 1, and June 1, 1982 for unit 2, these units shall be limited to an emission rate of 0.1 lbs/million BTU, and the associated opacity shall not exceed 20 percent.

[44 FR 5427, Jan. 26, 1979 and 46 FR 26305, May 12, 1981]

§ 52.1605 EPA-approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 26			
Subchapter 2A, "Additional, Specific Disposal Regulations for Sanitary Landfills."	June 1, 1987	June 29, 1990, 55 FR 26689	
Title 7, Chapter 27			
Subchapter 1, "General Provisions".	May 1, 1956	June 29, 1990, 55 FR 26689	
Subchapter 2, "Control and Prohibition of Open Burning".	June 8, 1981	Sept. 30, 1981, 46 FR 47779.	
Subchapter 3, "Control and Prohibition of Smoke from Combustion of Fuel".	Oct. 12, 1977	Jan. 27, 1984, 49 FR 3465.	
Subchapter 4, "Control and Prohibition of Particles from Combustion of Fuel".	Oct. 12, 1977do.	
Subchapter 5, "Prohibition of Air Pollution.	Oct. 12, 1977do.	

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State regulation	State effective date	EPA approved date	Comments
Subchapter 6, "Control and Prohibition of Particles From Manufacturing Processes" (except section 6.5).	May 23, 1977	Jan. 26, 1979, 44 FR 5427	Section 6.5, "Variances," is not approved (40 CFR 52.1570(c)(20) and 52.1604(a)). Any State-issued variances must be formally incorporated as SIP revisions if EPA is to be bound to their provisions (40 CFR 52.1604(a)).
Subchapter 7, "Sulfur"	Mar. 1, 1967	May 31, 1972, 37 FR 10880.	
Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality"	Apr. 5, 1985	Nov. 25, 1986, 51 FR 42573.	
Section 8.11	Mar. 2, 1992	Apr. 15, 1994, 59 FR 17935.	
Sections 8.1 and 8.2	June 20, 1994 ...	August 7, 1997, 62 FR 42414.	Sulfur dioxide "bubble" permits issued by the State pursuant to § 9.2 and not waived under the provisions of § 9.4 become applicable parts of the SIP only after receiving EPA approval as a SIP revision. "Clean conversion incentive" permits issued pursuant to § 9.5 must receive EPA approval as a SIP revision to become applicable parts of the SIP.
Subchapter 9, "Sulfur in Fuels"	Feb. 4, 1983	July 8, 1983, 48 FR 31400	
Subchapter 10, "Sulfur in Solid Fuels".	July 14, 1981	Nov. 3, 1981, 46 FR 54542	
Subchapter 11, "Incinerators"	Aug. 15, 1968	May 31, 1972, 37 FR 10880.	
Subchapter 12, "Prevention and Control of Air Pollution Emergencies".	Mar. 27, 1972do.	Notification of "large zone 3 coal conversions" must be provided to EPA (40 CFR 52.1601(b)).
Subchapter 13, "Ambient Air Quality Standards".	June 25, 1985 ...	Nov. 25, 1986, 51 FR 42573.	
Subchapter 14, "Control and Prohibition of Air Pollution From Diesel-Powered Motor Vehicles."	July 1, 1985	June 13, 1986.	
Subchapter 15, "Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles."	Nov. 15, 1999	January 22, 2002, 67 FR 2813..	
Subchapter 16, Control and Prohibition of Air Pollution from Volatile Organic Compounds.	June 29, 2003 ...	July 2, 2004, 69 FR 40323..	Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene. See July 25, 1996, for items not included in this limited approval.
Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances".	June 20, 1994 ...	August 7, 1997, 62 FR 42414	
Subchapter 18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules)".	Mar. 15, 1993	July 25, 1996	
Subchapter 19, "Control and Prohibition of Air Pollution from Oxides of Nitrogen."	Apr. 17, 1995	Mar. 29, 1999, 64 FR 14834.	
Subchapter 21, "Emission Statements".	Feb. 18, 2003	Aug. 2, 2004, 69 FR 46106	Section 7:27–21.3(b)(1) and 7:27–21.3(b)(2) of New Jersey's Emission Statement rule requires facilities to report on the following pollutants to assist the State in air quality planning needs: hydrochloric acid, hydrazine, methylene chloride, tetrachloroethylene, 1, 1, 1 trichloroethane, carbon dioxide and methane. EPA will not take SIP-related enforcement action on these pollutants.
Subchapter 23, Prevention of Air Pollution From Architectural Coatings.	July 20, 2004	November 30, 2005	

State regulation	State effective date	EPA approved date	Comments
Subchapter 24, "Prevention of Air Pollution From Consumer Products".	June 6, 2004	January 25, 2006 71 FR 4045	The specific application of provisions associated with innovative products exemptions, alternative compliance plans, and variances must be submitted to EPA as SIP revisions.
Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels;".	August 17, 1998	November 22, 1999, 64 FR 63692.	
Subchapter 26, "Ozone Transport Commission—Low Emission Vehicles Program".	March 1, 1999 ...	Nov. 3, 1999	Provides that for the duration of New Jersey's participation in National Low Emission Vehicle (LEV), manufacturers may comply with National LEV or equally stringent mandatory federal standards in lieu of compliance with the California LEV program adopted pursuant to section 177. The regulations accept National LEV as a compliance alternative for requirements applicable to passenger cars, light light-duty trucks, and light-duty trucks designed to operate on gasoline.
Subchapter 31, NO _x Budget Program.	Aug. 21, 2000	5/22/01 66 FR 28066	Incorporates NO _x SIP Call and NO _x Budget Trading Program for 1999 through 2003 and thereafter.
Title 7, Chapter 27B			
Subchapter 3, "Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations".	June 20, 1994 ...	August 7, 1997, 62 FR 42414	
Subchapter 4, "Air Test Method 4: Testing Procedures for Motor Vehicles.".	Nov. 15, 1999	January 22, 2002, 67 FR 2813.	
Title 13, Chapter 20:			
Subchapter 7, "Vehicle Inspection.".	May 19, 2003	May 21, 2004, 69 FR 29235.	
Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6..			
Subchapter 24, "Motorcycles."	Dec. 6, 1999	January 22, 2002, 67 FR 2813.	
Section: 24.20..			
Subchapter 26, "Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles.".	May 19, 2003	May 21, 2004, 69 FR 29235.	
Section: 26.2, 26.16..			
Subchapter 28, "Inspection of New Motor Vehicles.".	May 19, 2003	May 21, 2004, 69 FR 29235.	
Sections: 28.3, 28.4, 28.6..			
Subchapter 29, "Mobile Inspection Unit.".	May 19, 2003	May 21, 2004, 69 FR 29235.	
Sections: 29.1, 29.2, 29.3..			
Subchapter 32, "Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities.".	May 19, 2003	May 21, 2004, 69 FR 29235.	
Subchapter 33, "Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities.".	May 19, 2003	May 21, 2004, 69 FR 29235.	
Subchapter 43, "Enhanced Motor Vehicle Inspection and Maintenance Program.".	May 19, 2003	May 21, 2004, 69 FR 29235.	
Subchapter 44, "Private Inspection Facility Licensing.".	May 19, 2003	May 21, 2004, 69 FR 29235.	

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State regulation	State effective date	EPA approved date	Comments
Subchapter 45, "Motor Vehicle Emission Repair Facility Registration."	May 19, 2003	May 21, 2004, 69 FR 29235.	
Chapter 21			
Subchapter 5, "Registrations."	Dec. 6, 1999	January 22, 2002, 67 FR 2813.	
Section: 5.12..			
Subchapter 15, "New Jersey Licensed Motor Vehicle Dealers."	Dec. 6, 1999	January 22, 2002, 67 FR 2813.	
Section: 15.7..			
Title 16, Chapter 53			
"Autobus Specifications"	Sept. 26, 1983 ...	June 13, 1986	Only Sections 3.23, 3.24, 3.27, 6.15, 6.21, 6.30, 7.14, 7.17, 7.23, 8.15, 8.22, 8.25 are approved.

[46 FR 57677, Nov. 25, 1981, and 46 FR 61266, Dec. 16, 1981, as amended at 48 FR 31400, July 8, 1983; 48 FR 51480, Nov. 9, 1983; 49 FR 3465, Jan. 27, 1984; 51 FR 21549, June 13, 1986; 51 FR 23418, June 27, 1986; 51 FR 42573, Nov. 25, 1986; 54 FR 25582, June 16, 1989; 55 FR 26689, June 29, 1990; 56 FR 50518, Oct. 7, 1991; 57 FR 42893, Sept. 17, 1992; 57 FR 53441, Nov. 10, 1992; 58 FR 29977, May 25, 1993; 59 FR 17935, Apr. 15, 1994; 59 FR 39689, Aug. 4, 1994; 60 FR 32276, June 21, 1995; 61 FR 5302, Feb. 12, 1996; 61 FR 38594, July 25, 1996; 62 FR 3805, Jan. 27, 1997; 62 FR 24036, May 2, 1997; 62 FR 26854, May 15, 1997; 62 FR 42414, Aug. 7, 1997; 63 FR 62954, Nov. 10, 1998; 64 FR 14834, Mar. 29, 1999; 64 FR 59642, Nov. 3, 1999; 64 FR 63692, Nov. 22, 1999; 66 FR 28066, May 22, 2001; 67 FR 2813, Jan. 22, 2002; 69 FR 29235, May 21, 2004; 69 FR 40323, July 2, 2004; 69 FR 46106, Aug. 2, 2004; 70 FR 71776, Nov. 30, 2005; 71 FR 4046, Jan. 25, 2006]

§ 52.1606 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

[51 FR 23759, July 1, 1986, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.1607 Small business technical and environmental compliance assistance program.

On January 11, 1993, the New Jersey Department of Environmental Protection and Energy submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New Jersey state implemen-

tation plan. This plan satisfies the requirements of section 507 of the Clean Air Act, and New Jersey must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

Subpart GG—New Mexico

§ 52.1620 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.